By: Shapleigh

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J.B. No. 828

A BILL TO BE ENTITLED

AN ACT

relating to supplemental environmental projects undertaken in lieu of certain penalties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 7.067, Water Code, is amended to read as follows:

Sec. 7.067. SUPPLEMENTAL ENVIRONMENTAL PROJECTS. (a) The commission may compromise, modify, or remit, with or without conditions, an administrative penalty imposed under this subchapter. In determining the appropriate amount of a penalty for settlement of an administrative enforcement matter, the commission may consider a respondent's willingness to contribute to supplemental environmental projects that are approved by the commission, giving preference to projects that benefit the community in which the alleged violation occurred. The commission may approve a supplemental environmental project with activities in territory of the United Mexican States if the project substantially benefits territory in this state in a manner described by Subsection (b). The commission may not approve a project that is necessary to bring a respondent into compliance with environmental laws or that is necessary to remediate environmental harm caused by the respondent's alleged violation.

(b) In this section, "supplemental environmental project" means a project that prevents pollution, reduces the amount of

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pollutants reaching the environment, enhances the quality of the environment, or contributes to public awareness of environmental matters. [The-term-does-not-include-projects-that-are-necessary-to bring-the-respondent-into-compliance-with-environmental-laws-or that-are-necessary-to-remediate-the-environmental-harm-caused-by the-alleged-violation-]

SECTION 2. This Act takes effect September 1, 1999.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

BILL ANALYSIS

Senate Research Center 76R1668 JJT-D

S.B. 828 By: Shapleigh Natural Resources 4/15/1999 As Filed

DIGEST

Currently, under Texas law, the Texas Natural Resource Conservation Commission (TNRCC) is authorized to compromise, modify, or set aside administrative penalties on businesses or other entities for violations of environmental law or agency rules. One factor TNRCC uses to determine the amount of the administrative penalty is the violator's willingness to contribute to a "supplemental environment project" approved by TNRCC. This bill would authorize TNRCC to approve supplemental environmental projects located partially or wholly in the United Mexican States if the project substantially benefits territory in Texas.

PURPOSE

As proposed, S.B. 828 authorizes the Texas Natural Resource Conservation Commission to approve supplemental environmental projects located partially or wholly in the United Mexican States if the project substantially benefits territory in Texas.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 7.067, Water Code, to authorize the Texas Natural Resource Conservation Commission (TNRCC) to approve a supplemental environmental project with activities in the territory of the United Mexican States if the project substantially benefits territory in this state in a manner described by Subsection (b). Prohibits TNRCC from approving a project that is necessary to bring a respondent into compliance with environmental laws or that is necessary to remediate environmental harm caused by the respondent's alleged violation. Redefines "supplemental environmental project."

SECTION 2. Effective date: September 1, 1999.

SECTION 3. Emergency clause.

1-1 By: Shapleigh S.B. No. 828 (In the Senate - Filed March 3, 1999; March 4, 1999, read time and referred to Committee on Natural Resources; 1-2 1-3 April 23, 1999, reported favorably by the following vote: Yeas 7, 1 - 41-5 Nays 0; April 23, 1999, sent to printer.)

A BILL TO BE ENTITLED AN ACT

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(b) In this section, "supplemental environmental project" means a project that prevents pollution, reduces the amount of pollutants reaching the environment, enhances the quality of the environment, or contributes to public awareness of environmental matters. [The-term-does-not-include-projects-that-are-necessary-to bring-the-respondent-into-compliance--with--environmental--laws--or that--are--necessary--to-remediate-the-environmental-harm-caused-by

the-alleged-violation-]

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1-40 1-41 1-42 SECTION 2. This Act takes effect September 1, 1999.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

1-43 * * * * *

FAVORABLE SENATE COMMITTEE REPORT ON

SB	SCR SJR SR HB HCR HJR 828			
	ву 2: еср (Стоту)			
	(Author/Senate Sponsor)			
	(date)			

We, your Committee on NATU have on (date of hearing) back with the recommendation (s) that i	,	SOURCES	·		referred the atta	·
do pass and be printed	.					
() do pass and be ordered not printed						
and is recommended for placement or	n the Loca	l and Unco	ntested B	ills Calendar.		
A fiscal note was requested.	Lyes	() no				
A revised fiscal note was requested.	() yes	no				
An actuarial analysis was requested.	() yes	(Xno				
Considered by subcommittee.	() yes	()no				
The measure was reported from Committee	tee by the	following v	ote:			
		Y	EA	NAY	ABSENT	PNV
Senator Brown, Chairman		X				
Senator Armbrister, Vice-Chairman		X				
Senator Barrientos						
Senator Bivins		X				
Senator Haywood		\perp \propto				
Senator Lucio		X				
Senator Ratliff		~				

COMMITTEE ACTION

S260 S270	Considered in public hearing Testimony taken	Muoux
COMM	ITTEE CLERK (\	CHAIRMAN

Paper clip the original and one copy of this signed form to the original bill Retain one copy of this form for Committee files

TOTAL VOTES

WITNESS LIST

SENATE COMMITTEE REPORT Natural Resources Committee

April 15, 1999 - 3:30P THIS LIST HAS NO WITNESSES.

April 20, 1999 - 2:00P

Registering, but not testifying:
For: Golemon, Kinnan (Brown McCarroll & Oaks Hartline for ASARCO-Attorney), Austin

BILL ANALYSIS

Senate Research Center 76R1668 JJT-D

S.B. 828 By: Shapleigh Natural Resources 4/15/1999 As Filed

DIGEST

Currently, under Texas law, the Texas Natural Resource Conservation Commission (TNRCC) is authorized to compromise, modify, or set aside administrative penalties on businesses or other entities for violations of environmental law or agency rules. One factor TNRCC uses to determine the amount of the administrative penalty is the violator's willingness to contribute to a "supplemental environment project" approved by TNRCC. This bill would authorize TNRCC to approve supplemental environmental projects located partially or wholly in the United Mexican States if the project substantially benefits territory in Texas.

PURPOSE

As proposed, S.B. 828 authorizes the Texas Natural Resource Conservation Commission to approve supplemental environmental projects located partially or wholly in the United Mexican States if the project substantially benefits territory in Texas.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 7.067, Water Code, to authorize the Texas Natural Resource Conservation Commission (TNRCC) to approve a supplemental environmental project with activities in the territory of the United Mexican States if the project substantially benefits territory in this state in a manner described by Subsection (b). Prohibits TNRCC from approving a project that is necessary to bring a respondent into compliance with environmental laws or that is necessary to remediate environmental harm caused by the respondent's alleged violation. Redefines "supplemental environmental project."

SECTION 2. Effective date: September 1, 1999.

SECTION 3. Emergency clause.

LEGISLATIVE BUDGET BOARD Austin, Texas

FISCAL NOTE, 76th Regular Session

March 22, 1999

TO: Honorable J.E. "Buster" Brown, Chair, Senate Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB828 by Shapleigh (Relating to supplemental environmental projects undertaken in

lieu of certain penalties.), As Introduced

No significant fiscal implication to the State is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 582 Natural Resource Conservation Commission

LBB Staff: JK, DE, NS

REQUEST FOR LOCAL & UNCONTESTED CALENDAR PLACEMENT

SENATOR CHRIS HARRIS, CHAIRMAN SENATE COMMITTEE ON ADMINISTRATION	
Notice is hereby given that 6 6 6 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9 9	(Author/Sponsor)
was heard by the Watural Re Source	@committee on
and reported out with the recommendation that it be placed on	the Local and Uncontested Calendar.
Ch	rolk M'Saral
	(Clerk of the reporting committee)
	CONTRACTOR OF THE CONTRACT CONTRACTOR OF THE CON

IMPORTANT: THE YELLOW COPY OF THIS FORM AND (1) COPY OF YOUR BÎLL OR RESOLUTION (COMMITTEE PRINTED VERSION) MUST BE DELIVERED TO THE ADMINISTRATION OFFICE, E1.714. DEADLINES FOR SUBMITTING BILLS WILL BE ANNOUNCED ON A REGULAR BASIS.

May 3 1999 Engrossed

Patsy Daw

Engrossing Clerk

(i) We see that the tend control of the section of the section

By: Shapleigh

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S.B. No. 828

(Haggerty)

A BILL TO BE ENTITLED

AN ACT

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(b) In this section, "supplemental environmental project" means a project that prevents pollution, reduces the amount of pollutants reaching the environment, enhances the quality of the

S.B. No. 828

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LEGISLATIVE BUDGET BOARD Austin, Texas

FISCAL NOTE, 76th Regular Session

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No significant fiscal implication to the State is anticipated.

Local Government Impact

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Source Agencies: 582 Natural Resource Conservation Commission

LBB Staff: JK, DE, NS

HOUSE COMMITTEE REPORT

SEUF GEZRESELT

1st Printing

By: Shapleigh

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S.B. No. 828

(Haggerty)

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S.B. No. 828

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SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

COMMITTEE REPORT

The Honorable James E. "Pete" Laney Speaker of the House of Representatives

5/10/99

Sir:				
We, your COMMITTEE ON EN	/IRONMENTAL REGI	JLATION		
to whom was referred	828 nat it	have had th	e same under consid	eration and beg to repor
(X) do pass, without amendment() do pass, with amendment(s() do pass and be not printed;).	ee Substitute is recomr	mended in lieu of the	original measure.
() yes (X) no A fiscal note				
() yes (x) no A criminal ju	stice policy impact sta	atement was requested	I.	
() yes (X) no An equalize	d educational funding	impact statement was	requested.	
() yes (X) no An actuarial	analysis was requeste	ed.		
() yes (x) no A water dev	elopment policy impac	t statement was reque	sted.	
() yes (X) no A tax equity	note was requested.			
() The Committee recommend	s that this measure be	e sent to the Committe	e on Local and Conse	ent Calendars.
For Senate Measures: House S	ponsor Hagge	rty		
Joint Sponsors:	/		,	
Co-Sponsors:				
The measure was reported from	Committee by the follo	owing vote:		
	AYE	NAY	PNV	ABSENT
Chisum, Chair				
Allen, Vice-chair				
Culberson				
Dukes				
Howard				
Kuempel				
Palmer				
Talton				
Zbranek				
				
T-1-1				
	ye ay resent, not voting bsent	CHAIR	n Phisur	n'

BILL ANALYSIS

Office of House Bill Analysis

S.B. 828 By: Shapleigh Environmental Regulation 5/10/1999 Engrossed

BACKGROUND AND PURPOSE

Under current law, the Texas Natural Resource Conservation Commission (TNRCC) is authorized to compromise, modify, or set aside administrative penalties on businesses or other entities for violations of environmental law or agency rules. One factor TNRCC uses to determine the amount of the administrative penalty is the violator's willingness to contribute to a "supplemental environment project" approved by TNRCC. S.B. 828 authorizes TNRCC to approve supplemental environmental projects located partially or wholly in Mexico if the project substantially benefits territory in Texas.

RULEMAKING AUTHORITY

It is the opinion of the Office of House Bill Analysis that this bill does not expressly delegate any additional rulemaking authority to a state officer, department, agency, or institution.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 7.067, Water Code, to authorize the Texas Natural Resource Conservation Commission (TNRCC) to approve a supplemental environmental project with activities in the territory of the United Mexican States if the project substantially benefits territory in this state in a manner described under this subsection (specifically, projects described under the definition of "supplemental environmental project"). Prohibits TNRCC from approving a project that is necessary to bring a respondent into compliance with environmental laws or that is necessary to remediate environmental harm caused by the respondent's alleged violation. Redefines "supplemental environmental project" to make conforming changes.

SECTION 2. Effective date: September 1, 1999.

SECTION 3. Emergency clause.

SUMMARY OF COMMITTEE ACTION

SB 828

May 10, 1999 upon final recess
Considered in formal meeting
Reported favorably without amendment(s)

LEGISLATIVE BUDGET BOARD Austin, Texas

FISCAL NOTE, 76th Regular Session

March 22, 1999

TO: Honorable J.E. "Buster" Brown, Chair, Senate Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB828 by Shapleigh (Relating to supplemental environmental projects undertaken in

lieu of certain penalties.), As Introduced

No significant fiscal implication to the State is anticipated.

Local Government Impact

No significant fiscal implication to units of local government is anticipated.

Source Agencies: 582 Natural Resource Conservation Commission

LBB Staff: JK, DE, NS



Enrolled May 14,1999
Patsy Saw
Ensolling Clerk

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S.B. No. 828

AN ACT

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S.B. No. 828

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President of the Senate	Speaker of the House
I hereby certify that S.B. No	o. 828 passed the Senate on
May 3, 1999, by the following vote:	Yeas 30, Nays 0.
-	Secretary of the Senate
I hereby certify that S.B.	No. 828 passed the House on
May 13, 1999, by a non-record vote.	
-	Chief Clerk of the House
Approved:	
Date	
Governor	

LEGISLATIVE BUDGET BOARD Austin, Texas

FISCAL NOTE, 76th Regular Session

March 22, 1999

TO: Honorable J.E. "Buster" Brown, Chair, Senate Committee on Natural Resources

FROM: John Keel, Director, Legislative Budget Board

IN RE: SB828 by Shapleigh (Relating to supplemental environmental projects undertaken in

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Source Agencies: 582 Natural Resource Conservation Commission

LBB Staff: JK, DE, NS

President of the Senate	_
	S.B. No. 828 passed the Senate on
May 3, 1999, by	the following vote: Yeas $\frac{30}{}$,
Nays D.	
	Secretary of the Senate
I hereby certify tha	t S.B. No. 828 passed the House on
May 13, 1999, by	the following vote Yeas
Nays	
	Chief Clerk of the House
	CHIEL CIEIN OI THE MOUSE
Approved:	
Date	
•	
COVERDO	

S.B. No.	828
O.D. 110.	

By Shaplingh

AN ACT:

A BILL TO BE ENTITLED

Relating to supplemental environmental projects undertaken in lieu of certain penalties.

MAR 3 1999	_ Filed with the Secretary of the Senate	
MAR 0 4 1999 APR 2 3 1999	Read and referred to Committee onNATUR Reported favorably	
	Reported adversely, with favorable Committee Substitu	
MAY 0 3 1999	_ Ordered not printed	
	 Laid before the Senate Senate and Constitutional Rules to permit considerat 	tion suspended by: unanimous consent yeas, nays
MAY 0 3 1999	Read second time,, and order	ered engrossed by: unanimous consent a viva voce vote yeas,nays
MAY 0 3 1999	_ Senate and Constitutional 3 Day Rule suspended by	a vote of <u>30</u> yeas, <u>0</u> nays.
MAY 0 3 1999	Read third time,	, and passed by: $ \begin{cases} \frac{A \text{ viva voce vote}}{30 \text{ yeas, } 0 \text{ nays}} \end{aligned} $
	SECRETARY OF THE S	SENATE
OTHER ACTION	N:	
May 3,1999	Engrossed	
may 3, 1959	Sent to House	
Engrossing Clerk	Fatey Saw	
MAY 0 3 1999	Received from the Senate	
MAY 0 4 1999	Read first time and referred to Committee on	ronmental Regulation
MAY 1 0 1999	Reportedfavorably (favorably (_	,
MAY 1 2 1999 MAY 1 2 1999	Sent to Committee on (Calendars)	
MAT 1 2 1995	Read second time (); passed to the	ird reading (failed) by a (non-record vote)
	Constitutional rule requiring bills to be read on three so by a vote of yeas, nays,	everal days suspended (failed to suspend) present, not voting.
MAY 1 3 1999	Read third time (meads); finally passed (6.11 Lts passed)	by a (non-record vote)
MAY 1 4 1999	Returned to Senate.	Sharon Carter
MAY 14 1999	Returned from House without amendment.	CHIEF CLERK OF THE HOUSE
	Returned from House with amendments.	
	Concurred in House amendments by a viva voce vote _	yeas, nays.

	Refused to concur in House amendments and requested the appointment of a Co to adjust the differences.	onference Committee
	Senate conferees instructed.	
	Senate conferees appointed:, Chairman;	
	,, and	
	House granted Senate request. House conferees appointed:	, Chairman;
	Conference Committee Report read and filed with the Secretary of the Senate.	•
	Conference Committee Report adopted on the part of the House by:	
	\[\begin{array}{cccccccccccccccccccccccccccccccccccc	
OTHER AC	ACTION:	
	Recommitted to Conference Committee	
	Conferees discharged.	
	Conference Committee Report failed of adoption by:	
	a viva voce vote	

SECHREPESSEN

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